

*Response to Telephonic Inquiry
Serial No. 09/939,208
Attorney Docket 05213-0852 (43170-263550)*

request that another restriction requirement be issued in the above-referenced application. Applicants request that Group 1 be defined by compounds wherein $>C-R_g$ is NOT $>C(H)-OH$. Claims that fall within this group are Claims 1-15, 34-38 and 41-42. Applicants will then elect Group 1 and remove the recitation to $>C-R_g$ being $>C(H)-OH$.

By restricting $>C-R_g$ NOT to be $>C(H)-OH$, all the claims of the present application are distinguished from the claims as amended today in Applications No. 09/641,327 (our file 05213-0730), 09/779,331 (our file 05213-0731), and 09/899702 (our file 05213-0910). Accordingly, Applicants respectfully submit that Claims 1-15, 34-38 and 41-42 will be patentably distinct and hence allowable.

Applicants further request that Group II would remain as Claims 16 and 17, and new Group III would now be Claims 18-33 and 39-40.

Applicants further note that the present Application and Applications Number 09/641,327, 09/779,331, and 09/939,208 were commonly owned and/or subject to an obligation to assign to the same entity at the time the inventions were made (35 U.S.C. § 103(c)), thereby precluding an interference proceeding.

Finally, Applicants note that Application No. 09/933,894 (our file 05213-0851), a parent application of the above-referenced application, has been abandoned. Express Abandonment was mailed April 30, 2002.

Applicants respectfully request, to the extent possible, that a search of Claims 12, 2, and 42, in that order, also be made. If further searching is possible, to the extent possible, Applicants also request a search of Claims 49, 41, and 57, in that order. Applicants note that when claims to the compounds are allowed, Applicants reserve the right to re-enter claims to the method of using the compounds.

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CONCLUSION

In view of the above remarks, Applicants believe that an election of the proposed Group I claims and subsequent amendment to genus Claim 1 would set the application in condition for allowance. If there are informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2413 is respectfully solicited.

Respectfully submitted,

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